

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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KATHY NADINE SHAFF,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

3:12-cv-0206-LRH-VPC

ORDER

Before the court is defendant the United States of America's ("United States") renewed motion to dismiss. Doc. #19.¹ Pro se plaintiff Kathy Nadine Shaff ("Shaff") filed an opposition (Doc. #21) to which the United States replied (Doc. #22).

Plaintiff Shaff, a veteran, filed suit against the United States under the Federal Tort Claims Act ("FTCA") alleging that she received negligent medical treatment at the Veteran's Administration Medical Center in Reno, Nevada. *See* Doc. #1. In response, the United States filed a motion to dismiss arguing that Shaff failed to provide an affidavit from a medical expert supporting her allegations as required by NRS 41A.071. *See* Doc. #6. The court agreed, but because Shaff argued that it was her intent to file a civil rights complaint, and not a medical negligence complaint, the court granted her leave to file an amended complaint. *See* Doc. #17.

¹ Refers to the court's docket entry number.

1 On August 14, 2012, Shaff filed an amended civil rights complaint. Doc. #18. Thereafter, the
2 United States filed the present renewed motion to dismiss. Doc. #19.

3 In their motion to dismiss, the United States argues that, other than identifying her complaint as a
4 civil rights complaint, Shaff has failed to allege any actual claims against the United States. The court
5 agrees. Shaff fails to identify what, if any, civil right was violated by the United States or under what
6 federal statute she is bringing her action. As such, the court shall grant Shaff leave to file a final amended
7 complaint alleging specific causes of action that identify what civil right, if any, was violated and what
8 federal statute supports that cause of action. Failure to comply in the filing of an amended complaint that
9 identifies the aforementioned information will result in dismissal of this action.

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11 IT IS THEREFORE ORDERED that defendant's renewed motion to dismiss (Doc. #19) is
12 GRANTED. Plaintiff's amended complaint (Doc. #18) is DISMISSED in its entirety.

13 IT IS FURTHER ORDERED that plaintiff, Kathy Shaff, shall have thirty (30) days from entry of
14 this order to file an amended complaint that complies with this order.

15 DATED this 16th day of October, 2012.

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LARRY R. HICKS
19 UNITED STATES DISTRICT JUDGE
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